

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:06-cr-0018-SEB-DML
	)	
LIVI LAMONT LOVING,	)	- 02
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On February 15, 2019, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on August 3, 2018, and a Supplemental Petition filed on January 9, 2019. [Dkts. 38 & 47.] Defendant Loving appeared in person with his appointed counsel Dominic Martin. The government appeared by Barry Glickman, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Michael Burress.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Loving of his rights and provided him with a copy of the Petition and the Supplemental Petition. Defendant Loving orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Loving admitted violation nos. 8 and 12 as set forth in the Petition and the Supplemental Petition. [Dkts. 38 & 47.]
3. The allegations to which Defendant admitted, as fully set forth in the Petition and the Supplemental Petition, are:

**Violation  
Number**

**Nature of Noncompliance**

- 8            **“The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.”**

Mr. Loving tested positive for amphetamines on February 6, February 9 and July 10, 2017. He admitted to consuming ecstasy. Previously, Mr. Loving tested positive for synthetic marijuana on February 24 and July 26, 2016.

- 12           **“The defendant shall not commit another federal, state or local crime.”**

On December 15, 2018, Mr. Loving was arrested after an officer with the Johnson County, Indiana Sheriff's Office, discovered 35 tablets inside a vehicle occupied by Mr. Loving. According to the incident report, after being field tested, the pills tested positive for amphetamine. This misdemeanor case remains pending under case number 41H02-1812-CM-001840.

4.        Government moved to dismiss violation nos. 1, 2, 3, 4, 5, 6, 7, 9, 10, and 11 and the Court granted the same.

5.        The Court finds that:

- (a)       The highest grade of violation is a Grade B violation.
- (b)       Defendant's criminal history category is III.
- (c)       The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months' imprisonment.

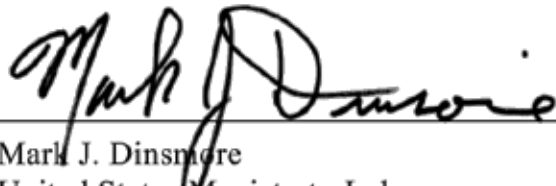
6.        Parties jointly recommended a sentence of fourteen (14) months with no supervised release to follow. Defendant requested placement at The Camp, FCI Terre Haute, Indiana.

The Magistrate Judge, having considered the factors set forth in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions set forth in

violation nos. 8 and 12 as set forth in the Petition and the Supplemental Petition, and recommends that Defendant's supervised release be revoked, and that Defendant be sentenced to the custody of the Attorney General or his designee for a period of fourteen (14) months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Magistrate Judge further recommends Defendant's placement at the Camp, FCI Terre Haute, Indiana.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 21 FEB 2019

  
\_\_\_\_\_  
Mark J. Dinsmore  
United States Magistrate Judge  
Southern District of Indiana

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